IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL REVISION APPLICATION NO.886 OF 1998

Bassein Catholic Co-operative
Bank Ltd. & Ors. ..Applicants.
Vs.
Rock Sebastian Lopis & anr. ..Respondent.

...

Mr. Prashant Naik for the Applicants.
Mr. R.R. Salvi for Respondent No.1.

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CORAM : DR.D.Y.CHANDRACHUD, J.

14th November, 2005.

P.C. :

This Civil Revision Application arises out of an order passed by the Civil Judge, Junior Division, Vasai on 3rd July, 1998 rejecting the application (Exh.19) filed by the Petitioner questioning the maintainability of the suit for want of a statutory notice under Section 164 of the Maharashtra Co-operative Societies Act, 1960. At the hearing of these proceedings, counsel appearing on behalf of the First Respondent states that he has instructions not to press Regular Civil Suit 28 of 1992 and accordingly, the said suit may be dismissed as withdrawn. On the request of counsel appearing

for the First Respondent accordingly Regular Civil Suit 28 of 1992 shall stand dismissed as withdrawn. A formal application to the aforesaid effect shall also be placed on the record of the Trial Court. In that view of the matter, since the suit itself has been permitted to be withdrawn, the impugned order does not survive and is accordingly quashed and set aside. The Civil Revision Application is accordingly disposed of.